

Remarks

The Office action mailed January 4, 2007, has been reviewed and carefully considered. Claims 1, 2, 5, 7 and 8-12 have been amended. New claims 16-19 have been added. Entry of these amendments is respectfully requested.

35 U.S.C. §102 Rejections

Claims 1-7 and 12-15 have been rejected under 35 U.S.C. §102(e) over U.S. Patent No. 7,097,925 (the '925 patent). Similarly, claims 1, 3-5, and 12-15 have been rejected under 35 U.S.C. §102(e) and (a) over U.S. Patent No. 7,087,331 (the '331 patent). It is noted that the '331 patent is not §102(a) prior art against the present application since the '331 patent issued (i.e., published) on August 8, 2006, which is after the February 26, 2004, filing date of the present application. Where a previously published patent and a pending application in which a claim stands rejected have a common inventor, material in the previously published patent qualifies as prior art under 35 U.S.C. § 102(e) only to the extent the material is not attributable to the common inventor. Applicants point out that Bowie Keefer is an inventor common to the '925 patent, the '331 patent and the present application. Although Applicants do not presently submit evidence that attributes to Mr. Keefer material of the '925 patent or the '331 patent relied on by the Office to reject some or all of the present claims, Applicants reserve the right to do so in the future. Further, Applicants do not presently concede that the '925 patent or the '331 patent qualifies as prior art under 35 U.S.C. § 102(e).

Turning to the merits of the anticipation rejections, neither the '925 patent or the '331 patent disclose the presently recited (in independent claim 1) buffer gas function compartment that is configured to provide a buffer gas to the adsorbers through the first stator valve surface or the second stator valve surface and the first rotor valve surface or the second rotor valve surface, respectively. Neither the '925 patent or the '331 patent disclose the presently recited (in independent claim 12) process that includes a buffer gas and a purge gas. Accordingly, an anticipation rejection of claims 1 and 12 (and their respective dependent claims) would be untenable.

35 U.S.C. §103 Rejections

Claims 1-7 and 12-15 have been rejected under 35 U.S.C. §103 over U.S. 2002/0004157 (the '157 publication). The '157 publication does not disclose the presently recited (in independent claim 1) buffer gas function compartment that is configured to provide a buffer gas to the adsorbers through the first stator valve surface or the second stator valve surface and the first rotor valve surface or the second rotor valve surface, respectively. The '157 publication also does not disclose the presently recited (in independent claim 12) process that includes a buffer gas and a purge gas. Thus, an objection rejection of claims 1 and 12 (and their respective dependent claims) over the '157 publication would be improper.

Claims 8-11 have been rejected under 35 U.S.C. §103 over the '157 publication combined with U.S. Patent No. 6,902,602 (the '602 patent). Similarly, claims 8-11 have been rejected under 35 U.S.C. §103 over the '331 patent combined with the '602 patent. The '602 patent qualifies as *prima facie* prior art against the present application only under 35 U.S.C. §102(e) since the '602 patent (i.e., published) on June 7, 2005, which is after the February 26, 2004, filing date of the present application. Please find below a statement of common ownership that disqualifies the '602 patent as prior art under the provisions of 35 U.S.C. §103(c).

Statement of Common Ownership

The present application (U.S. application number 10/789,194) and U.S. Patent No. 6,902,602 were, at the time the invention of the present application was made, owned by QuestAir Technologies, Inc.

Dependent claims 2, 6 and 7 have been rejected under 35 U.S.C. §103 over the '331 patent. These dependent claims all depend from claim 1. As explained above, the '331 patent does not disclose the presently recited (in independent claim 1) buffer gas function compartment that is configured to provide a buffer gas to the adsorbers through the first stator valve surface or

the second stator valve surface and the first rotor valve surface or the second rotor valve surface, respectively. Hence, the obviousness rejection of claims 2, 6 and 7 cannot stand.

Double Patenting Rejections

Claims 1-7 have been rejected for obviousness-type double patenting over claims 1-30 of the '925 patent. Claims 1-30 of the '925 patent do not disclose or even hint at a buffer gas function compartment that is configured to provide a buffer gas to the adsorbers through the first stator valve surface or the second stator valve surface and the first rotor valve surface or the second rotor valve surface, respectively, as now recited in claim 1. Accordingly, this double patenting rejection must be withdrawn.

Claims 8-11 have been rejected for obviousness-type double patenting over claims 1-30 of the '925 patent in view of the '602 patent. However, a review of claims 1-30 of the '925 patent reveals that none of those claims makes any mention of using a heat exchanger to heat another gas stream within the system. Thus, this double patenting rejection must be withdrawn.

Claims 1-7 have been rejected for obviousness-type double patenting over claims 1-92 of the '331 patent. Claims 1-30 of the '331 patent do not disclose or even hint at a buffer gas function compartment that is configured to provide a buffer gas to the adsorbers through the first stator valve surface or the second stator valve surface and the first rotor valve surface or the second rotor valve surface, respectively, as now recited in claim 1. Accordingly, this double patenting rejection must be withdrawn.

Claims 8-11 have been rejected for obviousness-type double patenting over claims 1-92 of the '331 patent in view of the '602 patent. However, a review of claims 1-92 of the '925 patent reveals that none of those claims makes any mention of using a heat exchanger to heat another gas stream within the system for purposes of desorption. Thus, this double patenting rejection must be withdrawn.

Claims 1-7 have been rejected for obviousness-type double patenting over claims 1-16 of U.S. Patent No. 6,921,597 (the '597 patent). Claims 1-16 of the '597 patent do not disclose or even hint at a buffer gas function compartment that is configured to provide a buffer gas to the adsorbers through the first stator valve surface or the second stator valve surface and the first rotor valve surface or the second rotor valve surface, respectively, as now recited in claim 1. Accordingly, this double patenting rejection must be withdrawn.

Claims 8-11 have been rejected for obviousness-type double patenting over claims 1-16 of the '597 patent in view of the '602 patent. However, a review of claims 1-16 of the '597 patent reveals that none of those claims makes any mention of using a heat exchanger to heat another gas stream within the system. Thus, this double patenting rejection must be withdrawn.

Claims 1-11 have been provisionally rejected for obviousness-type double patenting over pending claims 1 and 3-9 of U.S. application number 10/389,541. Claims 1 and 3-9 make no mention of exporting enriched fuel gas from an electrical generation system (see claim 1 of the present application). Moreover, claims 1 and 3-9 make no mention of using a heat exchanger to heat another gas stream within the system (see claim 8 of the present application). Hence, this double patenting rejection must be withdrawn.

Claims 1-7 have been provisionally rejected for obviousness-type double patenting over claims 1, 4, 7 and 12-16 of U.S. application number 10/671,750 (the '750 application). Claims 1, 4, 7 and 12-16 of the '750 application make no mention of a buffer gas function compartment that is configured to provide a buffer gas to the adsorbers through the first stator valve surface or the second stator valve surface and the first rotor valve surface or the second rotor valve surface, respectively, as now recited in claim 1.

Claims 8-15 have been provisionally rejected for obviousness-type double patenting over claims 1, 4, 7 and 12-16 of the '750 application in view of the '602 patent. Claims 1, 4, 7 and 12-16 of the '750 application make no mention of using a heat exchanger to heat another gas stream within the system (see claim 8 of the present application). Claims 1, 4, 7 and 12-16 of the

'750 application also make no mention of exporting enriched fuel gas from an electrical generation system (see claim 12 of the present application).

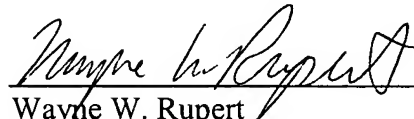
It is respectfully submitted that the present application is in condition for allowance. Should there be any questions regarding this application, examiner Crepeau is invited to contact the undersigned attorney at the telephone number shown below.

Respectfully submitted,

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